



DEPARTMENT OF THE NAVY  
BASE REALIGNMENT AND CLOSURE  
PROGRAM MANAGEMENT OFFICE WEST  
33000 NIXIE WAY, BLDG 50 Suite 207  
SAN DIEGO, CA 92147

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Ser BPMOW.hmw/206  
July 8, 2019

Mr. Steve Castleman  
Environmental Law and Justice Clinic  
536 Mission Street  
San Francisco, CA 94105

Dear Mr. Castleman:

This letter responds to your Freedom of Information Act (FOIA) request of December 7, 2018 in which you seek the following:

- All written communications, documents, reports, draft reports and/or any other written communications between the EPA and the US Navy concerning the EPA's Preliminary Remediation Goals (PRGs), both for soil and buildings, for use in the remediation of the former Hunters Point Naval Shipyard (HPNS) in San Francisco California from January 1, 2017 through and including the date of this request. This request includes, but is not limited to, the following documents:
  1. All reports, including draft reports, submitted to the EPA by the Navy for EPA's review, comment and/or approval.
  2. All responses, including draft responses, transmitted by the EPA to the Navy in reply to or concerning the Navy documents sought by item #1 above.
  3. All documents, including draft documents, reporting the results or partial results of PRG calculations by the Navy and/or its contractors.
  4. All documents, including draft documents, concerning EPA's review of and/or comments to Navy documents identified in item #3 above.
  5. All documents, including draft documents, reporting the results of PRG calculations by the EPA to the Navy and/or its contractors.

- This request excludes emails and text messages, which will be requested separately.

Your request was received by this office on December 11, 2018 and assigned file number DON-Navy-2019-001873.

We provided the initial release of responsive records on March 28, 2019. This response provides the second part of your responsive records. At least one more set of additional of responsive records is forthcoming.

We have identified 36 records (attachments associated with emails) that are responsive to your request. The Navy is providing the releasable records to you via FOIAonline. However, 19 of these records contain certain draft documents and briefing materials that contain or reflect internal advice, recommendations and subjective evaluations pertaining to the internal decision-making process of the Navy are exempt from disclosure under Exemption 5 of FOIA [5 U.S.C 552(b) (5) and have been withheld from release. Release of these records could cause harm to the Navy's deliberations by discouraging the free and frank exchange of opinions or potentially result in public confusion by disclosing information that is not consistent with the outcome of the deliberative process. Although portions of the exempt documents could be considered factual, such information is inextricably intertwined with deliberative material, or fragmented and uninformative, and has therefore been withheld from release.

Please be advised that fees associated with the processing of your request are waived in this instance.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA online, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy  
Office of the General Counsel (ATTN: FOIA APPEALS)  
1000 Navy Pentagon, Room 5A532  
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance regarding any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

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Any questions concerning this matter should be directed to Ms. Heather Wochnick who may be contacted at [heather.wochnick@navy.mil](mailto:heather.wochnick@navy.mil) or 619-524-4605.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kimberly A. Ostrowski', written over a horizontal line.

KIMBERLY A. OSTROWSKI

Director